

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6989

BILL NUMBER: SB 221

NOTE PREPARED: Feb 24, 2010

BILL AMENDED: Feb 24, 2010

SUBJECT: Conditions of Hardship Licenses.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. VanHaaften

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires a court to impose reasonable monitoring requirements on a person who is issued a restricted driving permit if the person is a habitual traffic violator, and requires a court to impose certain conditions on habitual traffic violators. It provides that a judgment, for purposes of the habitual traffic violator law, includes a judgment from another jurisdiction in which the elements of the offense are substantially similar to the elements of the offense in Indiana. The bill provides that it is a Class A misdemeanor if a person operates a vehicle or motorized bicycle in violation of a restricted license.

Effective Date: July 1, 2010.

Explanation of State Expenditures: For calendar years 2005 through 2008, the Bureau of Motor Vehicles (BMV) suspended, on average, 2,450 driver's licenses for being a habitual traffic offender. For the same period, the BMV averaged 350,000 total suspensions annually. For CY 2009, the BMV issued 784 hardship licenses and 790 licenses requiring the use of an ignition interlock device. The provisions of this proposal would be covered with current resources. The fund affected is the Motor Vehicle Highway Account which supports the BMV.

Explanation of State Revenues: (Revised) *Penalty Provision:* The bill provides that it is a Class A misdemeanor if a person operates a vehicle or motorized bicycle in violation of a restricted license. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and

collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: Requiring ignition interlock devices would result in minimal costs to counties. Counties do not incur additional costs when a court orders a person convicted of operating a vehicle while intoxicated to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their vehicle pay the entire cost of the operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. While current law does not require indigent persons convicted of being a habitual traffic violator to pay the cost of installing and maintaining an ignition interlock device, courts are not required to pay the cost of installing and maintaining an ignition interlock device, either.

Not all counties in which the hardship licenses were issued also had ignition interlock orders in CY 2009. When examining the number of counties in which courts had issued hardship licenses, LSA found that 17 counties did not have ignition interlock orders for any persons with hardship licenses. The average number of hardship licenses issued in these counties was 3.3, with a range from 1 to 16 hardship licenses ordered. Whether these counties would have any difficulty arranging for ignition interlock service with a vendor is not known.

(Revised) *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: (Revised) *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: BMV.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: BMV driver license data.

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